

Exhibit 9

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HASSAN CHUNN; NEHEMIAH McBRIDE;
AYMAN RABADI, by his Next Friend
MIGDALIZ QUINONES; JUSTIN RODRIGUEZ,
by his Next Friend JACKLYN ROMANOFF;
ELODIA LOPEZ; and JAMES HAIR,

individually and on behalf of all others similarly
situated,

Petitioners,

-against-

WARDEN DEREK EDGE,

Respondent.

No. 20 Civ. 01590

**SUPPLEMENTAL
DECLARATION OF JAMES HAIR**

James Hair declares the following under penalty of perjury and pursuant to 28 U.S.C.
§ 1746:

1. My name is James Hair. I am 29 years old. I have been incarcerated at the
Metropolitan Detention Center (“MDC”) since February 4, 2020. I continue to be housed on unit
63. I write to supplement my initial declaration, dated April 30, 2020, with additional facts.

2. From April 30, 2020, through today, May 11, 2020, I have continued to feel ill
and to request medical care. That medical care only seems to happen when the judge here in
Brooklyn makes the medical staff care for me.

Recent Medical Issues

3. In the very early morning hours of April 30, 2020, I suffered a seizure. My
cellmate rang the emergency buzzer in our cell but no one came. My cellmate banged on the
door, calling for help, but no one came. Finally, my cellmate wrote out a sick call slip and stuck
it out the door of our cell, so that when the pill line came in the morning, the pill line person

would see it and get me help. When the pill line person (Marcketta) came, my cellmate and I saw the pill line person take the sick call slip, open it up, read it, and put it in his pocket. He did not ask me how I was feeling. No medical staff came to see me that morning.

4. Later that day, I put in an electronic sick call request saying I had had a seizure and expressing my frustration that no one had come. I also requested pain medication.

5. That same afternoon, a medical staffer came to my cell to put a tuberculosis skin test on my forearm. My cellmate and I started to tell the medical staffer about my seizure, but the staffer told us they were not there for sick call, just for the TB test administration.

6. I saw a medical staffer (Mr. Lopes) the next day, on May 1, 2020. He checked my vitals but did not ask me about the seizure. I tried to tell him about the seizure but he did not want to listen.

7. On May 3, 2020, my cellmate told me that I had another seizure, because he saw me shaking. I am worried the seizures might be connected to my multiple sclerosis. When I was at Ft. Dix, I had a seizure in November 2019 right after I had experienced tingling and numbness in my fingers and hands.

8. I have also been experiencing trouble urinating. I have the feeling I need to urinate, but nothing comes out. This was a symptom I had before and the neurologist in Maryland told me it was related to my MS.

9. I have also been having trouble breathing.

10. I have consistent lower back pain on my side near my kidney.

11. I last saw a doctor on May 8, 2020, at the judge's request, and I told the doctor all of what I have been experiencing medically. He prescribed me prednisone to try to help my

breathing because he heard me wheezing. He said it would be hard to care for me properly at MDC Brooklyn because of my MS.

Tuberculosis Test

12. In the afternoon of April 30, 2020, a medical staffer came and put a TB skin test on my forearm.

13. Beginning late on the day on May 2, 2020, raised bumps started to form around the area of the TB skin test, and the area became very itchy. The bumps and itchiness continued for 2-3 days. No one came back to check my TB skin test.

14. The last time I had a TB test, when I was at Philadelphia Federal Detention Center, about a year ago, I did not have a reaction to the skin test.

15. The next time I spoke to my lawyer, on May 6, 2020, I told her that I was concerned about the TB test. She asked me when it had been checked and seemed worried that it had not been checked 48-72 hours after it was placed on my arm.

16. On the morning of May 8, 2020, a nurse came and put another TB skin test on my forearm. As of May 11, 2020, at 9:45 a.m., no one has come back to check it.

Medical Attention at MDC

17. It is difficult to get medical attention at MDC. It was different at Ft. Dix. The medical staff would come and check on the people like me that have ongoing medical issues. Here at MDC, everyone I ask for medical care tells me to speak to someone else. The people that come twice a day to our units for the pill line always tell me they cannot provide medical attention, only pills. The people who used to come take our temperatures every day when we were in quarantine never wanted to speak to me about how I was feeling. They would open the cell door, take my temperature and my cellmate's temperature, and walk away.

18. I believe I am considered “at risk” by MDC for COVID-19 because of all my medical issues, but I have not received any extra or different medical attention because of this during the pandemic.

Conditions On My Unit

19. The orderlies continue to clean the phones and computers at the end of each day, but not between uses. We do not have access to cleaning spray or wipes to clean the phone or computer ourselves before or after we use them on Mondays, Wednesdays, and Fridays.

20. There are some general posters up about COVID-19, and we get bulletins about how many people have tested positive. There have not been regular town halls.

21. We only have access to laundry when we have money for detergent.

22. New people have continued to join my unit from other units over the last two weeks.

Executed on: May 11, 2020
Brooklyn, New York

As reported by James Hair to
Deirdre D. von Dornum

_____/s/_____

Deirdre D. von Dornum
Federal Defenders of New York